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**UNITED PROCESS SERVICE, INC.**THIRD FLOOR  
315 BROADWAY  
NEW YORK, NY 10007-1121

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Date Received 11/19/07

EGAN & GOLDEN, LLP  
475 EAST MAIN STREET, SUITE 114  
PATCHOGUE, NY 11772  
ATTN: BRIAN T. EGANClient Code 7286  
(631) 447-8100**BYRAN E. MCELDERRY**Index # 07 CIV 9700 (MCMAHON)  
File # 74(D)

UNITED STATES DISTRICT COURT/SOUTHERN DISTRICT OF NEW YORK

Invoice # **452041**  
Date Purchased 11/01/07  
120 Day 02/29/08

Plaintiff: KAT HOUSE PRODUCTIONS, LLC D/B/A SURF CHICK, ETAL

Defendant: PAUL HASTINGS, ETAL

Copies Yes

## Recipient(s):

1) PAUL HASTINGS JANOFKY &amp; WALKER, LLP SUMMONS &amp; VERIFIED COMPLAINT

2) REBECCA KELDER MYERS SUMMONS &amp; VERIFIED COMPLAINT

## Location:

Business: 75 EAST 55TH STREET  
NEW YORK, NY 10022SERVED Date: 11/20/07 Time: 1513 Serve Sec'y of State \_\_\_\_\_ Adv. Fee \_\_\_\_\_ Att. Sending \_\_\_\_\_

New Address \_\_\_\_\_

Served on: FRANK D'Agostino Title/Relationship Asst managing atty  
Desc: Sex: M Skin Color W Hair Color Br Approx Age 43 Height 511 Weight 175Remarks: **SERVE BY 12/03/07**  
**PHOTO ATTACHED**  
**ATTY SENT VIA FEDEX**serve # 1 on a managing partner**REASON FOR RETURN**UNKNOWN \_\_\_\_\_ MOVED \_\_\_\_\_ NEED APARTMENT # \_\_\_\_\_  
NO SUCH NUMBER \_\_\_\_\_ NO LONGER EMPLOYED \_\_\_\_\_  
HELD AWAITING INSTRUCTIONS \_\_\_\_\_ OUT OF BUSINESS \_\_\_\_\_**POSTAL SEARCH**NO CHANGE OF ADD \_\_\_\_\_ UNKNOWN AT ADDRESS GIVEN \_\_\_\_\_  
MOVED, NO FWD ADD \_\_\_\_\_ FORWARDING ORDER EXPIRED \_\_\_\_\_**MOTOR VEHICLE SEARCH**D.O.B, VIN OR PLATE # \_\_\_\_\_  
NO HIT \_\_\_\_\_ SAME ADDRESS \_\_\_\_\_ NEW ADDRESS \_\_\_\_\_CODE B CHARGE 74 CODE \_\_\_\_\_ CHARGE \_\_\_\_\_  
CODE \_\_\_\_\_ CHARGE \_\_\_\_\_ CODE \_\_\_\_\_ CHARGE \_\_\_\_\_  
CODE \_\_\_\_\_ CHARGE \_\_\_\_\_ CODE \_\_\_\_\_ CHARGE \_\_\_\_\_**DO NOT PAY FROM THIS INVOICE. A STATEMENT WILL FOLLOW**

KAT HOUSE PRODUCTIONS, LLC D/B/A SURF CHICK, ETAL

Plaintiff(s)

- against -

Index # 07 CIV 9700 (MCMAHON)

PAUL HASTINGS, ETAL

Defendant(s)

Purchased November 1, 2007

File # 74(D)

AFFIDAVIT OF SERVICE

STATE OF NEW YORK: COUNTY OF NEW YORK ss:

BYRAN E. MCELDERRY BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY TO THIS ACTION, OVER THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF NEW YORK.

That on November 20, 2007 at 03:13 PM at

75 EAST 55TH STREET  
NEW YORK, NY 10022

deponent served the within SUMMONS & VERIFIED COMPLAINT on PAUL HASTINGS JANOFKY & WALKER, LLP therein named,

**SUITABLE  
AGE**

by delivering thereat a true copy of each to FRANK D'AGOSTINO a person of suitable age and discretion. Said premises is Defendant's actual place of business within the state. He identified himself as the ASST. MANAGING ATTY of the Defendant.

Deponent further states that he describes the person actually served as follows:

Sex	Skin Color	Hair Color	Age (Approx.)	Height (Approx.)	Weight (Approx.)
MALE	WHITE	BROWN	43	5'11	175

**MAILING**

Deponent enclosed a copy of same in a postpaid wrapper properly addressed to the Defendant at the Defendant's actual place of business at

75 EAST 55TH STREET  
NEW YORK, NY 10022

and deposited said wrapper in a post office or official depository under exclusive care and custody of the United States Postal Service within New York State on November 20, 2007 by REGULAR FIRST CLASS MAIL in an envelope marked PERSONAL & CONFIDENTIAL and not indicating on the outside thereof, by return address or otherwise, that the communication is from an attorney or concerns an action against the person to be served.

That at the time of such service deponent knew the person so served as aforesaid to be the same person mentioned and described as the Defendant in this action.

Sworn to me on: November 20, 2007

JOEL GRABER  
Notary Public, State of New York  
No. 02GR4699723  
Qualified in New York County  
Comm. Expires February 10, 2010

JONATHAN GRABER  
Notary Public, State of New York  
No. 01GR6156780  
Qualified in New York County  
Comm. Expires December 4, 2010

BYRAN E. MCELDERRY  
License #: 869802  
Invoice #: 452041

UNITED PROCESS SERVICE, INC., 3RD FLOOR, 315 BROADWAY, NEW YORK, NY 10007 - (212) 619-0728

KAT HOUSE PRODUCTIONS, LLC D/B/A SURF CHICK, ETAL

Plaintiff(s)

- against -

Index # 07 CIV 9700 (MCMAHON)

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**SUITABLE AGE** by delivering thereat a true copy of each to FRANK D'AGOSTINO a person of suitable age and discretion. Said premises is Defendant's actual place of business within the state. He identified himself as the ASST. MANAGING ATTY of the Defendant.

Deponent further states that he describes the person actually served as follows:

<u>Sex</u>	<u>Skin Color</u>	<u>Hair Color</u>	<u>Age (Approx.)</u>	<u>Height (Approx.)</u>	<u>Weight (Approx)</u>
<u>MALE</u>	<u>WHITE</u>	<u>BROWN</u>	<u>43</u>	<u>5'11</u>	<u>175</u>

**MAILING** Deponent enclosed a copy of same in a postpaid wrapper properly addressed to the Defendant at the Defendant's actual place of business at

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NEW YORK, NY 10022

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That at the time of such service deponent knew the person so served as aforesaid to be the same person mentioned and described as the Defendant in this action.

Sworn to me on: November 20, 2007

JOEL GRABER  
Notary Public, State of New York  
No. 02GR4699723  
Qualified In New York County  
Comm. Expires February 10, 2010

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Notary Public, State of New York  
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That on November 20, 2007 at 03:13 PM at

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NEW YORK, NY 10022

deponent served the within SUMMONS & VERIFIED COMPLAINT on REBECCA KELDER MYERS therein named,

**SUITABLE AGE** by delivering thereat a true copy of each to FRANK D'AGOSTINO a person of suitable age and discretion. Said premises is Defendant's actual place of business within the state. He identified himself as the CO-WORKER of the Defendant.

Deponent further states that he describes the person actually served as follows:

Sex	Skin Color	Hair Color	Age (Approx.)	Height (Approx.)	Weight (Approx)
MALE	WHITE	BROWN	43	5'11	175

**MAILING** Deponent enclosed a copy of same in a postpaid wrapper properly addressed to the Defendant at the Defendant's actual place of business at

75 EAST 55TH STREET  
NEW YORK, NY 10022

and deposited said wrapper in a post office or official depository under exclusive care and custody of the United States Postal Service within New York State on November 20, 2007 by REGULAR FIRST CLASS MAIL in an envelope marked PERSONAL & CONFIDENTIAL and not indicating on the outside thereof, by return address or otherwise, that the communication is from an attorney or concerns an action against the person to be served.

**MILITARY SERVICE** Person spoken to was asked whether the Defendant was in the military service of the State of New York or the United States and received a negative reply. Upon information and belief based upon the conversation and observation as aforesaid deponent avers that the Defendant is not in the military service of the State of New York or the United States as that term is defined in the statutes of the State of New York or the Federal Soldiers and Sailors Civil Relief Act.

That at the time of such service deponent knew the person so served as aforesaid to be the same person mentioned and described as the Defendant in this action.

Sworn to me on: November 21, 2007

JOEL GRABER  
Notary Public, State of New York  
No. 02GR4899723  
Qualified in New York County  
Comm. Expires February 10, 2010

JONATHAN GRABER  
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Plaintiff(s)

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AGE**

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